

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Glenn L. Beane

v.

Civil No. 08-cv-236-JL

Alan F. Beane

**O R D E R**

The court held a preliminary pretrial conference in this matter on May 4, 2009, at which counsel for the defendant proposed a potential extrajudicial resolution of Count 1 of the amended complaint, which seeks a variety of injunctive relief under the Employee Retirement Income Security Act ("ERISA"), in particular 29 U.S.C. § 1132(a)(3). Counsel for the plaintiff shall respond to the proposal within a reasonable time, and certainly no later than **May 8, 2009**. The parties shall report to the court on the status of the proposed resolution within sixty days, in order to allow the defendant time to seek the approval of the Bankruptcy Court in the interim.

Upon the court's receipt of the parties' report on the attempted resolution of Count 1, counsel should anticipate an order requiring the submission of memoranda addressing the issues of jurisdiction, ripeness, mootness, and standing as they relate to Count 1 (if necessary) and Count 2.

No discovery shall occur in this action until further order of this court.

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: May 4, 2009

cc: W. E. Whittington, Esq.  
William S. Gannon, Esq.